



# PUBLIC NOTICE

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**DA 09-2431**

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## COMMENT SOUGHT ON MOVING TOWARD A DIGITAL DEMOCRACY

### PLEADING CYCLE ESTABLISHED NBP Notice #20

**Comment Date: December 10, 2009**

In the American Recovery and Reinvestment Act of 2009 (Recovery Act), Congress directed the Commission, in its development of a National Broadband Plan, to include “a plan for the use of broadband infrastructure and services in advancing ...civic participation.”<sup>1</sup> While civic participation takes many forms, two processes provide the most direct and regular interaction opportunities between government and citizens: 1. the election process, and 2. public hearings and town hall meetings. The election process and voting are essential to maintaining a functioning democracy and are also the civic processes in which the most Americans participate. Public hearings and town hall meetings allow citizens to provide government representatives direct input on specific concerns and provide government representatives a direct means to gauge citizen sentiment. Accordingly, we seek tailored comment on how broadband can help to bring democratic processes—including elections, public hearings and town hall meetings—into the digital age, thereby encouraging and facilitating citizen opportunities to engage and participate in their democracy.

#### 1. Registering to Vote.

- a. Are there government jurisdictions that have implemented online voter registration? Can the impact of online voter registration be quantified compared to traditional methods, including registration numbers, voter registration application errors, and rejected applications? Are there qualitative impacts of allowing citizens to register to vote online, including positive or negative effects?
- b. Are there privacy concerns that jurisdictions must address if online voter registration is adopted?
- c. Are there fraud concerns that government jurisdictions must address if online voter registration is adopted? What steps can jurisdictions undertake to mitigate and elimination potential fraud in facilitating online voter registration?
- d. Would allowing citizens to register to vote online make it easier for those who have to travel long distances (such as people in rural and Tribal areas) or people who have difficulty traveling (such as some elderly or disabled Americans) to register to vote and therefore to vote?
- e. How would online voter registration affect overseas military personnel, overseas diplomatic personnel, or other Americans living overseas?

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<sup>1</sup> American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, § 6001(k)(2)(D), 123 Stat. 115 (2009) (Recovery Act).

2. **Processes Leading up to Election Day.** There are many steps that come before the election polls open and close where broadband and online services may positively impact civic participation.
  - a. Do local, state, federal, Tribal or international government entities offer online mechanisms for providing information on elections? For example, as a supplement to web sites, do governments email out sample ballots or send email reminders regarding deadlines for registration? If not, are there existing barriers that prevent the use of online mechanisms for providing information on elections?
  - b. Do local, state, federal, Tribal or international government entities offer online mechanisms for voting on days other than election day? For example, are there online mechanisms that allow citizens to request absentee ballots, cast absentee ballots, or to schedule in-person voting on days other than election day? If not, are there barriers that prevent the use of online mechanisms to facilitate voting on days other than election day?
  - c. Are there positive or negative effects on the democratic process that can be directly attributed to enabling online versions of the processes leading up to election day?
  - d. How would enabling online versions of the processes leading up to election day impact overseas military personnel, overseas diplomatic personnel or other Americans living overseas?
  
3. **Voting.** Voting is the most fundamental of civic acts. As technology transforms all aspects of society, could voting be transformed as well?
  - a. With existing technology, is it possible to enable and ensure safe and secure voting online today?
  - b. What can we learn from other nations that have considered or implemented online voting?
  - c. What can we learn from pilot projects that have tested online voting?
  - d. Have localities or states enabled online voting either domestically or for citizens abroad (such as military personnel stationed overseas)?
  - e. Do government jurisdictions at any level, domestic or foreign, allow online voting for any citizen? Have there been quantifiable impacts tied to online voting, including impacts on the number of citizens that voted? Have there been qualitative impacts tied to online voting, either positive or negative?
  - f. What are the security and privacy risks that government jurisdictions must consider when considering the implementation of online voting?
  - g. What are the history and current state of play of online voting technologies?
  - h. What are best practice processes concerning online voting?
  - i. How would enabling online voting impact overseas military personnel, overseas diplomatic personnel or other Americans living overseas?
  
4. **Online Government Hearings and Online Town Hall Meetings.** The proliferation of Internet-based tools and high speed technologies that enable high quality video, have enabled new venues for civic participation. Where Congressional committee hearings and city council meetings across America were limited by the size of a room and the citizen's resources to travel to the meeting location, broadband-enabled technologies now hold the potential to eliminate these barriers for millions of Americans. We seek to better understand the power of these tools and technologies to increase civic engagement and empower citizens to engage their government.
  - a. What are the technological models across cities, states, the nation and the globe for citizen participation in government meetings and online town halls?
  - b. What are the barriers to the integration of these technologies?
  - c. Do online town halls or online public hearings have a noticeable impact upon the quantity or quality of civic participation?

- d. Do online town halls or online public hearings bring new citizens into the process of government?
- e. Would Internet-based technologies make it easier for those who have to travel long distances (such as people in rural and Tribal areas) or people who have difficulty traveling (such as some elderly or disabled Americans) to engage in the process of self-government?
- f. What is the history and current state of play of the relevant technologies with respect to online town halls or online public hearings?

This matter shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules. *See* 47 C.F.R. §§ 1.1200, 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented generally is required. *See* 47 C.F.R. § 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission’s rules, 47 C.F.R. § 1.1206(b).

**All comments should refer to GN Docket Nos. 09-47, 09-51, and 09-137. Please title comments responsive to this Notice as “Comments—NBP Public Notice #20.” Further, we strongly encourage parties to develop responses to this Notice that adhere to the organization and structure of the questions in this Notice.**

Comments may be filed using (1) the Commission’s Electronic Comment Filing System (ECFS), (2) the Federal Government’s eRulemaking Portal, or (3) by filing paper copies.<sup>2</sup> Comments can be filed through the Commission’s ECFS filing interface located at the following Internet address: <http://www.fcc.gov/cgb/ecfs/>. Comments can also be filed via the Federal eRulemaking Portal: <http://www.regulations.gov>.<sup>3</sup> Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties who choose to file by paper must file an original and four copies of each filing.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission’s contractor will receive hand-delivered or messenger-delivered paper filings for the Commission’s Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

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<sup>2</sup> *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998).

<sup>3</sup> Filers should follow the instructions provided on the Federal eRulemaking Portal website for submitting comments.

- U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

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For further information about this Public Notice, please contact Randy Clarke at (202) 418-1500.

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